

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TARAS P. NYKORIAK,

Plaintiff,

v.

Case No. 2:08-cv-15024

Hon. John Corbett O'Meara

Mag. Judge R. Steven Whalen

EXPERIAN,

Defendant.

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Taras P. Nykoriak (In Pro Se)  
12147 McDougall  
Hamtramck, Michigan 48212  
(248) 990-3574

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Sidney L. Frank (P13637)  
Tamara E. Fraser (P51997)  
Frank, Haron, Weiner and Navarro  
Attorneys for Defendant  
5435 Corporate Drive, Suite 225  
Troy, Michigan 48098  
(248) 952-0400

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**DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S  
ANSWER TO COMPLAINT and AFFIRMATIVE DEFENSES**

Defendant Experian Information Solutions, Inc. (hereinafter "Experian"), through its attorneys, Frank, Haron, Weiner and Navarro, submits the following as its Answer and Affirmative Defenses in response to Plaintiff's Complaint:

1. As pled, Defendant lacks knowledge or information to form a belief as to the truth of the matter and leaves Plaintiff to his proofs. Defendant admits that Plaintiff is a consumer as defined by the Fair Credit Reporting Act and that Experian Information Solutions is a credit reporting agency.

**Factual Allegations**

1. Defendant admits only that Plaintiff has, on prior occasions, posited various disputes with Defendant. As to the remainder of this allegation, Defendant lacks knowledge or information sufficient to form a belief and leaves Plaintiff to his proofs.

2. Defendant denies these allegations as same are untrue. Defendant affirmatively states that it has complied with all of its investigation obligations under the Fair Credit Reporting Act.

3. Defendant denies this allegation as same is untrue.

4. Defendant denies this allegation as same is untrue.

5. Defendant denies this allegation as same is untrue. Defendant affirmatively states that it has at all times complied with all of its duties under the Fair Credit Reporting Act.

Defendant Experian denies that it has wilfully or negligently violated any provisions of the Fair Credit Reporting Act and affirmatively states that at all times it complied with its duties and obligations under the FCRA.

WHEREFORE, Defendant Experian respectfully requests that this Court dismiss Plaintiff's Complaint in its entirety and award Defendant all such costs and attorneys fees as deemed appropriate by this Court.

FRANK, HARON, WEINER AND NAVARRO

By: /s/ Tamara E. Fraser  
Tamara E. Fraser (P51997)  
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tfraser@fhwnlaw.com

DATED: January 16, 2009

**AFFIRMATIVE DEFENSES**

Defendant Experian Information Solutions, Inc. ("Experian"), for its Affirmative Defenses, states the following:

1. Plaintiff's Complaint fails to state a claim against Defendant Experian Information Solutions, Inc. upon which relief can be granted.
2. Defendant Experian has at all times complied with the Fair Credit Reporting Act.
3. The information which Defendant Experian reported on Plaintiff's credit report was true or substantially true.
4. Plaintiff has failed to properly mitigate his damages, if any.
5. Plaintiff's damages, if any, were caused by the actions of others and not Experian Information Solutions, Inc.
6. Plaintiff's common law claims are preempted by the Fair Credit Reporting Act.
7. Plaintiff's claims are barred by the applicable statute of limitations.
8. Defendant Experian reserves the right to add additional affirmative defenses as they become known through the course of discovery or otherwise.

Respectfully submitted,

FRANK, HARON, WEINER AND NAVARRO

By: /s/ Tamara E. Fraser  
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DATED: January 16, 2009

**CERTIFICATE OF SERVICE**

I, Tamara E. Fraser, hereby certify that on the 16<sup>th</sup> day of January, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system. I also hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant:

Taras P. Nykoriak  
12147 McDougall  
Hamtramck, Michigan 48212

/s/ Tamara E. Fraser  
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